

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 1, 2005
Tuesday, 9:08 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Catherine Holdeman, Assistant City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Phil Shull, University United Methodist Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the February 15, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS:

Proclamations

Mayor Mayans read aloud the following proclamations:

Women in Construction Week. Marjorie Awtrey.

Lymphedema Awareness Day. Robbin Stafford and Elizabeth House.

Kansas Sports Day. Ted Hayes and Group.

Recognition

Recognition of Conservationist of the Year, Bob Gress.

Mayor Mayans recognized and congratulated Bob Gress on his award.

PUBLIC AGENDA:

Lloyd Oakley

Lloyd Oakley-Resolve to enact a policy of free admission to any City funded or aided venue for care giving persons pushing handicapped people in wheelchairs.

Lloyd Oakely

Mr. Oakley asked the Council to enact a policy of free admission for anyone pushing a wheelchair in the memory of his wife. Stated that he and his wife had taken a vacation to San Diego, where they attended several functions and he was not charged admission because he was pushing the wheelchair for his ill wife.

Council Member Martz

Council Member Martz stated that Mr. Oakley had presented this at his DAB and would like his request to be considered by the Council.

Mayor Mayans

Mayor Mayans directed staff to look into this.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 36

- King David Davis King David Davis-What goes around comes around.
- King David Davis Mr. Davis thanked the law enforcement officers for their good work in capturing BTK. Stated that he has a new website and asked that we find out how BTK was created and how he was protected all of these years and how he could find safe haven in the political establishment.
- William A. Draper, Jr. Mr. Draper withdrew his request to speak on the Public Agenda, prior to the City Council Meeting.

CONSENT AGENDA

- Council Member Martz Council Member Martz requested that Consent Item 21c. SECOND READING ORDINANCE: Impounding vehicles, emergency wrecker service procedures and private, towing regulations be pulled for discussion.
- Motion--
--carried Mayans moved that the Consent Agenda, except Item 21c, be approved as consensus Items.
Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 28, 2005.

Bids were opened February 18 and February 25, 2005, pursuant to advertisements published on:

Planeview Grant Funded Sanitary Sewer Reconstruction Phase 3 - along 29th Street North from St. Francis to Ohio. (468-83923/620378/663499) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$151,460.00

Lateral 273, Main 5, Sanitary Sewer #22 to serve an Unplatted Tract located north of 8th, west of Hoover (468-83939/744103/480791) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Central Innovative Plumbing - \$10,735.00

Lateral 505 Southwest Interceptor Sewer to serve Angel Fire Addition - north of 47th Street South, east of West Street. (468-83932/744104/480792) Does not affect existing traffic. (District IV)

WB Carter Construction - \$32,660.50

Water distribution system to serve Angel Fire Addition - north of 47th Street South, east of West Street. (448-90024/735235/470906) Does not affect existing traffic. (District IV)

Padgett Excavating - \$18,077.00

Water distribution system to serve Copper Gate Estates Addition - south of 13th Street North, both sides of 135th Street West. (448-89757/735214/470884) Does not affect existing traffic. (District V)

Wilks Underground - \$62,490.00

Water distribution system to serve The Fairmont 3rd Addition - north of 21st Street North, west of 127th Street East. (448-90027/735231/470902) Does not affect existing traffic. (District II)

Mies Construction - \$20,330.50

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 37

Peregrine from the south line of said addition to the north line of Lot 1, Block 7; Kite and Blackhawk from the south line of Lot 12, Block 3 to the west line of Lot 1, Block 3; Kite Circle adjacent to Lots 15 thru 18, Block 1 and Lots 1 and 2, Block 4; Sidewalk along one side of Peregrine, Kite and Blackhawk; a temporary cul-de-sac to be installed at the south end of Peregrine to serve Falcon Falls Addition - south of 53rd Street North, west of Hillside. (472-83689/765924/490037) Does not affect existing traffic. (District I)

Kansas Paving Company - \$269,225.50

Jewell from the east line of the plat to the west line of Lot 8, Block B; Grant, from the east line of the plat to the west line of Lot 1, Block D; Rogers Lane from the south line of Grant, south and west to the west line of Lot 16, Block A; Jewell Court (Lots 1 through 8, Block B) from the north line of Jewell, north to and including the cul-de-sac; Jewell Court (Lots 48 through 60, Block E), from the south line of Jewell, south to and including the cul-de-sac; Grant Court (Lots 1 thru 13, Block E), from the north line of Grant, north to and including the cul-de-sac; Grant Court (Lots 1 thru 10, Block A), from the south line of Grant, south to and including the cul-de-sac; Rogers Circle from the north line of Grant, north to and including the cul-de-sac; Sidewalk along one side of Jewell, Grant, and Rogers Lane to serve Turkey Creek Addition - north of Pawnee, west of 119th Street West. (472-84028 /765899/490012) Does not affect existing traffic. (District IV)

APAC – Kansas Inc. - \$395,970.40

Storm Water Drain #248 to serve The Fairmont 3rd Addition - north of 21st Street North, west of 127th Street East. (468-83936/751388/485279) Does not affect existing traffic. (District II)

Bob Bergkamp Construction – \$190,895.00 (Negotiated at Engineer's estimate)

2005 Contract Maintenance Asphalt Street Repairs and Quickset Slurry Seal, Phase 1 - north of Kellogg, west of Rock Road. (472-84150/132718/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, V, VI)

Ferguson Paving Inc.- \$609,818.00 (Engineer's estimate)

University Avenue for a street widening for the eastbound lanes of University Avenue from approximately two hundred feet east of the intersection with Ridge Road to Ridge Road to serve University & Ridge Addition - south of Maple, east of Ridge. (472-83894/765838/490949) Does not affect existing traffic. (District V)

Kansas Paving Company - \$27,134.00

45th Street South from the east line of Lot 11, Block B, east to the east line of Leonine; Leonine from the north line of 45th Street South, south to the north line of Lot 18, Block C; 45th Street South Court from the south line of 45th Street South, south to and including the cul-de-sac; Sidewalk on one side of 45th Street South and Leonine to serve Angel Fire Addition - north of 47th Street South, east of West Street. (472-84126/765922/490035) Does not affect existing traffic. (District IV)

Cornejo & Sons Construction - \$105,098.75

Lateral 8, Main 14 Southwest Interceptor Sewer to serve Chance Industrial Park Second Addition - south of Kellogg, west of West Street. (468-82194/744089 /480777) Does not affect existing traffic. (District IV)

WB Carter Construction - \$47,749.00

Storm Water Drain #196 to serve Copper Gate Estates Addition - south of 13th Street North, west of 135th Street West. (468-83558/751378/485269) Does not affect existing traffic. (District V)

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 38

Mies Construction - \$181,341.00

Founders Circle from the north line of Lot 1, Block 1, Wichita Clinic Addition to and including the cul-de-sac; Sidewalk on the west side of Founders Circle from the north line of Lot 1, Block 1 to the cul-de-sac to serve Wichita Clinic Addition - south of 21st Street North, east of K-96. (472-83893/765911/490024) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$198,879.50

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

HOUSING AND COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: ADA Bathroom Modifications McLean Manor.

Arambula Construction Co. - \$23,546.00 (Group 1/total net bid)

HOUSING AND COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Interior/Exterior Modifications 2116 South Osage.

Arambula Construction Co. - \$23,475.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Calcium Chloride Pellets 94-97% 80# Bags.

Univar USA Inc. - \$15.20* (Group 1/per bag).

*Estimate – Contract approved on unit cost basis.

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Painting at Lawrence Dumont Stadium.

Sutherland Builders Inc. - \$144,800.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Chiller Replacement Fire Station #1.

American Mechanical Inc. - \$46,833.00 (Group 1/base bid)

\$ 6,167.00 (Group 1/option 1)

\$ 6,225.00 (Group 1/option 2)

TRANSIT DEPARTMENT: Security Services – Downtown Department.

Wolf Investigations - \$11.2* – (Group 1/cost per hour)

*Estimate – Contract approved on unit cost basis.

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Telescoping Steel Sign Post System.

Allied Tube & Conduit* – 10% price increase

*Contract previously awarded

Motion--

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 39

CMB LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Arounh Sengseezong	Vang Kok Thai Restaurant*	2020 South Rock Road

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Jayestha Patel	Shiva LLC	1826 West 13th
Jayestha Patel	Shiva LLC	223 East 21st Street
Edward J. Roitz	Fleming Convenience 536	348 South Hillside
James Giebler	Dillon Store #12	9450 East Harry
James Giebler	Dillon Store #16	8828 North 13th Street North
James Giebler	Dillon Store #21	5500 East Harry
James Giebler	Dillon Store #26	1227 South Hydraulic
James Giebler	Dillon Store #30	2525 West Douglas
James Giebler	Dillon Store #31	1640 South Broadway
James Giebler	Dillon Store #33	4747 South Broadway
James Giebler	Dillon Store #34	3932 West 13th Street
James Giebler	Dillon Store #35	6297 East 13th Street North
James Giebler	Dillon Store #42	4801 East Central
James Giebler	Dillon Store #49	10222 West 21st Street North
James Giebler	Dillon Store #249	2242 North Maize Road
James Giebler	Dillon Store #56	3707 North Woodlawn
James Giebler	Dillon Store #62	1435 North Waco
James Giebler	Dillon Store #65	3211 South Seneca
James Giebler	Dillon Store #66	2244 North Rock Road
James Giebler	Dillon Store #72	10515 West Central

<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Sohail Moiz	Hazman Inc.	8008 East 21st Street
Sohail Moiz	H Jay Inc.	3810 Woodlawn

<u>New Establishment</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Kay W. Snibley	Krazy Kaz*	3407 East Douglas

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 40

PRELIM ESTS.

PRELIMINARY ESTIMATES:

- a) 43rd Street Circle for a new street on the east side of Webb Road on 43rd Street North to serve Sand Plum Addition - south of 45th Street North, west of Webb. (472-84027/765896/490009) Does not affect existing traffic. (District II) - \$235,000
- b) 2005 Wheelchair Ramp and Sidewalk, Phase 1 - various locations north of 47th Street South, west of Seneca. (472-84142/706915/205381) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV, V, VI) - \$200,000
- c) Storm Water Drain #242 to serve The Waterfront 4th Addition - north of 13th Street North, east of Webb. (468-83920/751384/485275) Does not affect existing traffic. (District II) - \$90,000
- d) Den Hollow from the south line of Lot 48, Block 4 to the west line of Lot 60, Block 4; Den Hollow Court from the west line of Den Hollow to and including the cul-de-sac serving Lots 50 through 53, Block 4; Den Hollow Court from the south line of Den Hollow to and including the cul-de-sac serving Lots 55 through 59, Block 4; Den Hollow Circle from the west line of Lot 60, Block 4 to and including the cul-de-sac serving Lots 60 through 67, Block 4 to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-83790/765916/490029) Does not affect existing traffic. (District V) - \$258,000
- e) Waddington Court on the east side of Waddington to serve Four H Addition - north of Central, west of Tyler. (472-82312/765923/490036) Does not affect existing traffic. (District V) - \$83,000
- f) Lateral 132 Westlink Sewer to serve Four H Addition - north of Central, west of Tyler. (468-83761 /744102/480790) Does not affect existing traffic. (District V) - \$61,000
- g) Water Distribution System to serve Four H Addition - north of Central, west of Tyler. (448-88695 /735236/470907) Does not affect existing traffic. (District V) - \$43,000

Motion--carried

Mayans moved that the Preliminary Estimates be approved. Motion carried 7 to 0.

AUBURN HILLS

PETITIONS FOR PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEM IMPROVEMENTS TO SERVE AUBURN HILLS 15TH ADDITION, WEST OF 135TH STREET WEST, NORTH OF KELLOGG. (DISTRICT V)

Agenda Report No. 05-0148

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer and water service to a new residential development located west of 135th Street West, north of Kellogg.

The Petitions total \$767,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-074

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89911 (West of 135th Street West, North of Kellogg), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 41

RESOLUTION NO. 05-075

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90035, (West of 135th Street West, North of Kellogg) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-076

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90036, (West of 135th Street West, North of Kellogg), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-077

Resolution of findings of advisability and Resolution authorizing construction of Lateral 10, Main 2, Cowskin Interceptor Sewer, (West of 135th Street West, North of Kellogg). 468-83758, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-078

Resolution of findings of advisability and Resolution authorizing construction of Lateral 11, Main 2 Cowskin Interceptor Sewer (West of 135th Street West, North of Kellogg), 468-83948, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-079

Resolution of findings of advisability and Resolution authorizing constructing pavement on Auburn Hills, from the South line of Lot 49, Block B, North to the South line of Lot 42, Block B, Auburn Hills Court, from the North line of Auburn Hills, to and including the Cul-De-Sac (Lots 10 through 13, Block D), Auburn Hills Court, from the South line of Auburn Hills to and including the Cul-De-Sac (Lots 43 through 50, Block B), and a Sidewalk along one side of Auburn Hills 472-83931, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-080

Resolution of findings of advisability and Resolution authorizing constructing pavement on Monterey, from the West line of Lot 37, Block B, North to the South line of Lot 19, Block B, Ocala, from the South line of Lot 19, Block B, North to the West line of Lot 12, Block B, Ocala Court, from the West line of Monterey West to and including the Cul-De-Sac and that Sidewalk be constructed along one side of Monterey and Ocala (West of 135th Street West, North of Kellogg) 472-84145, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 42

RESOLUTION NO. 05-081

Resolution of findings of advisability and Resolution authorizing constructing pavement on Auburn Hills from the South line of Lot 49, Block B, South to the South line of the Plat (West of 135th Street West, North of Kellogg) 472-84146, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HAWTHORNE ADD. PETITIONS FOR PAVING, SANITARY SEWER AND WATER DISTRIBUTION SYSTEM IMPROVEMENTS TO SERVE HAWTHORNE SECOND AND THIRD ADDITIONS, NORTH OF 21ST STREET, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 05-0149

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer and water service to a new residential development located north of 21st, east of 127th Street East.

The Petitions total \$1,571,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-082

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89994, (North of 21st East of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-083

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89995, (North of 21st, East of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-084

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89996, (North of 21st, East of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-085

Resolution of findings of advisability and Resolution authorizing construction of Lateral 7, Main 13, Four Mile Creek Sewer (North of 21st, East of 127th Street East) 468-83872, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 43

RESOLUTION NO. 05-086

Resolution of findings of advisability and Resolution authorizing construction of Lateral 6, Main 12, Four Mile Creek Sewer (North of 21st, East of 127th Street East), 468-83873, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-087

Resolution of findings of advisability and Resolution authorizing construction of Lateral 7, Main 12, Four Mile Creek Sewer (North of 21st, East of 127th Street East), 468-83874, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-088

Resolution of findings of advisability and Resolution authorizing improving Mainsgate/Loch Lochmond from the North line of Mainsgate Circle to the North line of Lot 42, Block 4; and Williamsgate, from the North line of Mainsgate to the North line of Lot 3, Block 6, (North of 21st East of 127th Street East) 472-84082, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-089

Resolution of findings of advisability and Resolution authorizing improving Williamsgate Court, Serving Lots 1 through 21, Block 1, from the East line of Williamsgate to and including the Cul-De-Sac, (North of 21st, East of 127th Street East) 472-84083, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-090

Resolution of findings of advisability and Resolution authorizing improving Loch Lomond/Ayesbury, from the North line of Boxthorn to the East line of Williamsgate; Boxthorn from the East line of Williamsgate to the East line of Loch Lomond; and Loch Lomond Courts, serving Lots 27 through 44, Block 1 to and including the Cul-De-Sacs, (North of 21st, East of 127th Street East) 472-84084, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 44

NEW LIFE

PETITIONS FOR PAVING AND WATER DISTRIBUTION SYSTEM IMPROVEMENTS TO SERVE NEW LIFE CHRISTIAN CHURCH ADDITION, SOUTH OF CENTRAL, EAST OF GREENWICH. (DISTRICT II)

Agenda Report No. 05-0150

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving and water service to a new church building south of Central, east of Greenwich.

The Petitions total \$87,500. The funding source is special assessments except for the water Petition, which includes \$21,675 paid by the water utility for over sizing the pipeline to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-091

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90046, (South of Central, East of Greenwich) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-092

Resolution of findings of advisability and Resolution authorizing constructing pavement on the West Half of Ellson from the South line of Central to the North line of Ellson Court Addition (South of Central, East of Greenwich) 472-84179, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PAVE UNIVERSITY

PETITION TO PAVE UNIVERSITY FROM RIDGE TO 200 FEET EAST OF RIDGE. (DISTRICT V)

Agenda Report No. 05-0151

On January 13, 2004, the City Council approved a Petition to pave University from Ridge to 200' east of Ridge. Based on recent bid prices, it is doubtful that a construction contract can be awarded with the budget set by the Petition. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

The project will serve a new retail development located south of Maple, east of Ridge.

The existing Petition totals \$27,174. The new Petition totals \$40,000. The funding source is special assessments.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 45

State Statutes provide that a petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-093

Resolution of findings of advisability and Resolution authorizing improving University Avenue for a street widening for the Eastbound lanes of University Avenue from approximately two hundred feet East of the Intersection with Ridge Road to Ridge Road (South of Maple, East of Ridge) 472-83894, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

FONTANA ADD.

PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM FOR FONTANA ADDITION, NORTH OF 29TH STREET NORTH, EAST OF 119TH ST. WEST. (DISTRICT V)

Agenda Report No. 05-0152

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide water service to a new residential development located north of 29th St. North, east of 119th St. West.

The Petition totals \$116,000, with \$40,600 paid by special assessments and \$75,400 paid by the Water Utility. The utility share is for the cost of over sizing the pipeline to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-094

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90045 (North of 29th Street North, East of 119th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HOOVER, N. OF 8TH

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE AN UNPLATTED TRACT LOCATED WEST OF HOOVER, NORTH OF 8TH STREET. (District VI)

Agenda Report No. 05-0153

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide sanitary sewer service to an undeveloped tract located west of Hoover, north of 8th Street. It will be combined with a sewer project approved by the City Council on January 4, 2005, that serves an adjoining tract.

The Petition totals \$22,500. The funding source is special assessments.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 46

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-095

Resolution of findings of advisability and Resolution authorizing construction of Lateral 273, Main 5, Sanitary Sewer #22, Unplatted Tract (West of Hoover, North of 8th Street) 468-83939, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ADVISORY BOARD MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Wichita Public Building Commission, June 30, 2004
District VI Advisory Board, July 12, 2004
District VI Advisory Board, August 2, 2004
District VI Advisory Board, September 13, 2004
District VI Advisory Board, October 4, 2004
District VI Advisory Board, October 20, 2004
District VI Advisory Board, November 1, 2004
Housing Advisory Board, November 16, 2004
Wichita Employees Retirement Board/Police & Fire Retirement Board, Joint Investment Committee, December 2, 2004
Wichita Airport Advisory Board, December 6, 2004
Board of Park Commissioners, December 13, 2004
Wichita Employees Retirement System Board, December 15, 2004
Wichita Public Library Board, December 21, 2004
Wichita Public Library Report, December 2004
Wichita Public Library Board, January 18, 2005

Motion--carried Mayans moved that the Minutes be received and filed. Motion carried 7 to 0

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

QRTLY FIANCE RPT. QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDED DECEMBER 31, 2004.

Motion--carried Mayans moved that the report be received and filed. Motion carried 7 to 0.

SENIOR EXPENSES SENIOR MANAGEMENT TRAVEL EXPENSES.

Motion--carried Mayans moved that the file be received. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 47

PILOT STUDY

WATER TREATMENT PILOT STUDY AGREEMENT.

Agenda Report No. 05-0154

On October 3, 2000, the City Council authorized projects for the development of new water supplies for the City. The projects will help develop water supplies to meet the City's water needs through the year 2050.

The Integrated Local Water Supply Plan (ILWS) includes utilizing several local water supply sources. A major component of the ILWS is to recharge the Equus Beds Wellfield using water from the Little Arkansas River.

There are several water treatment techniques that will work to clean up the water taken directly from the river. Staff believes that a treatment technology using filters called "Fuzzy Filters" may do an effective job of filtering water for less cost than other alternatives. To determine how effective this technology would be in treating water from the Little Arkansas River, a pilot plant is required. The pilot plant must be used while there is excess flow in the Little Arkansas River, making it necessary to do the pilot work in the spring or fall, when it is most likely that rainfall events will create excess flows.

Staff negotiated an Agreement with Schreiber LLC, owners of the technology, to deliver a trailer mounted pilot plant and to provide technical services to help operate the plant for a price comparable with other pilot studies. It is estimated that the pilot plant will need to be on site for four weeks to obtain appropriate flow conditions in the river.

The Agreement submitted by Schreiber, including shipping costs, is for \$8,500. Adequate funds for this project are available in the CIP W-549, Water Supply Plan.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

21ST STREET

21ST STREET, OLIVER TO WOODLAWN. (DISTRICT I) – SUPPLEMENTAL.

Agenda Report No. 05-0155

On May 4, 2004, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing improvements to 21st Street, Oliver to Woodlawn. The fee was \$77,900.

MKEC has been asked by the Water Department to design sanitary sewer improvements along 21st Street from Old Manor to Beaumont in conjunction with the street project. The proposed Supplemental Agreement provides for the additional design services.

Payment to MKEC will be on a lump sum basis of \$3,500, and will be paid by Water & Sewer Utility Operating Revenues.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 48

DRUG TREATMENT IN-PATIENT AND OUT-PATIENT DRUG TREATMENT FOR DRUG COURT.

Agenda Report No. 05-0156

The Wichita Municipal Drug Court Program, created in 1995, was one of the first 100 established nationwide and was the first established in Kansas. The Drug Court is a deferred judgment program that provides a non-traditional, therapeutic approach to dealing with criminal offenders who are substance abusers. The judge, prosecutor, probation officer and treatment provider work as a team using a non-adversarial approach to encourage and promote substance free behavior. The Wichita Drug Court Program is a minimum of one year. The components of the program include intensive treatment, regular court appearances, random drug testing, education and counseling. The primary mission of the Drug Court is to rehabilitate the participant through intensive drug and alcohol treatment with accountability and responsibility being key components of the overall program. Upon successful completion of all requirements of the Drug Court Program, the defendant's charges are dismissed allowing the defendant the opportunity to avoid a criminal drug conviction.

A Request for Proposal (RFP) was developed seeking qualified, licensed contractors to provide in-patient and out-patient treatment services to Municipal Court at the most economical cost to the defendant. There were forty-seven (47) requests for proposals mailed, eight (8) companies notified by E-Procurement and an advertisement published in the Wichita Eagle. Comprehensive Community Care of Sedgwick County (ComCare) was the only respondent to the request for proposal. The proposal submitted by ComCare was reviewed and evaluated by the Law Department, the Administrative Judge, Court Administrator and the Probation Office. The Comprehensive Community Care of Sedgwick County (ComCare) proposal met the requirements of the RFP. ComCare has provided in-patient / out-patient treatment services to the Court for the past six years and has been an integral component in the success of the Drug Court Program. Their service to the Court has been of the highest professional standard.

During the last six years in which ComCare has been the treatment provider, there have been no significant contract increases during this time. However, due to increasing costs associated with the program, the current ComCare proposal does including a modest fee increase. Program costs are passed directly to defendants, the City is only responsible for those treatment costs which defendants are not able to fund. Based on past City expenditure patterns, the amount included in the 2005 Adopted budget will be sufficient to absorb any increase in City costs associated with this contract.

Motion--
--carried

Mayans moved that the contract with Comprehensive Community Care of Sedgwick County (ComCare) be approved and the necessary signatures authorized. Motion carried 7 to 0.

FOX RIDGE ADD. CONSTRUCTION ENGINEERING IN FOX RIDGE ADDITION, NORTH OF 29TH STREET, BETWEEN MAIZE AND TYLER. (DISTRICT V)

Agenda Report No. 05-0157

The City Council approved the drainage improvements in Fox Ridge Addition on June 10, 2004. On January 25, 2005 the City approved Agreements with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreements with MKEC requires MKEC to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreements between the City and MKEC provides for construction engineering for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment to MKEC will be on a lump sum basis of \$21,000, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Supplemental Agreements be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 49

ANGEL FIRE ADD. ANGEL FIRE ADDITION, NORTH OF 47TH STREET SOUTH, EAST OF WEST STREET.
(DISTRICT IV)

Agenda Report No. 05-0158

The City Council approved the water distribution system, sanitary sewer and paving improvements in Angel Fire Addition on January 4, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer and paving in Angel Fire Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$19,100, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

ROCK RD. IMPROV. ROCK ROAD IMPROVEMENT, BETWEEN 21ST STREET AND 29TH STREET.
(DISTRICT II)

Agenda Report No. 05-0159

On May 18, 2004, the City Council approved a construction contract with Cornejo & Sons, Inc. to improve Rock Road between 21st and 29th Streets. During the widening of Rock Road, it became necessary to replace sidewalk and have utilities relocated in one area of the right-of-way that had not been planned for reconstruction. This area originally had Fescue grass, and in accordance with current City policy, it will be replaced in kind.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The cost of the additional work is \$37,674, with the total paid by a combination of City-at-Large (\$7,535) and Federal Grants administered by the Kansas Department of Transportation (\$30,139). The original contract is \$1,455,771. This Change Order plus previous Change Orders represent 11.6% of the original contract amount.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 50

PROPERTY ACQ. ACQUISITION OF 605 SOUTH PINECREST FOR THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT. (DISTRICT III)

Agenda Report No. 05-0160

There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 605 South Pinecrest, which is owned by John Johnson. The site contains 6,750 square feet and is improved with a 720 square foot wood frame residence.

The city had the property appraised in January 2005. The appraised value of \$50,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

A budget of \$55,750 is requested. This includes \$50,000 for the acquisition, \$5,000 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ. 1945 SOUTH BLUFF FOR THE DRY CREEK BASIN PROPERTY ACQUISITION PROJECT. (DISTRICT III)

Agenda Report No. 05-0161

There have been several, flooding incidents along the Dry Creek basin in East Wichita. As a result of this, the City Council approved a voluntary property acquisition program. The program calls for the acquisition of up to 16 residential properties that have habitable floors that are below the one hundred year flood elevation. One such property is 1945 South Bluff, which is owned by Robert and Josephine Leer. The site contains 6,003square feet and is improved with a 2,008 square foot wood frame residence.

The city had the property appraised in January 2005. The appraised value of \$92,000 was offered to the owner. The owner has agreed to sell the property for this amount. The improvements will be removed and the site maintained as open space.

A budget of \$97,750 is requested. This includes \$92,000 for the acquisition, \$5,000 for demolition and \$750 for closing costs and title insurance. The funding source is the Storm Water Utility.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 51

SEWER MASTER PLAN SANITARY SEWER MASTER PLAN UPDATE FOR 2005.

Agenda Report No. 05-0162

In 1992, the City Council approved a Sanitary Sewer Master Plan and the projects associated with it. The 1992 plan was the first such undertaking since 1971. In the 1992 plan, the City's sanitary sewer service area needs were assessed through the year 2010. After adopting the plan, Staff recommended that the City update it on a routine basis to insure that the recommendations and projects being implemented were still relevant to the City's current needs.

The CIP contained approved funding for a City wide update of the plan in the year 2000. The 2000 Sanitary Sewer Master Plan Update had a planning period covering 50 years, from 2000 through 2050.

The 2005 CIP includes an update to the Sanitary Sewer Master Plan. The update will analyze current and pending EPA requirements, determine growth areas and projected populations, determine sewer basins, review and develop the Sewer Utility Capital Improvement Program (CIP), and evaluate economic and non-economic conditions for proposed alternatives for recommended projects.

The Sanitary Sewer Master Plan Update (CIP S-508 for 2005) includes funding of \$250,000 for this project.

Motion--
--carried

Mayans moved that the project expenditure be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. R-05-096

Resolution of the city of Wichita, Kansas, declaring it necessary to Construct, Reconstruct, Alter, Repair, Improve, Extend and Enlarge the Water and Sewer Utility Owned and Operated by the City, and to Issue Revenue Bonds in a Total Principal Amount Which Shall Not Exceed \$250,000 Exclusive of the Cost of Interest on Borrowed Money, for the Purpose of Paying Certain Costs thereof, and Providing for the Giving of Notice of Such Intention in the Manner Required by Law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SKATE PARK

SKATE PARK. (DISTRICT I)

Agenda Report No. 05-0163

On October 19th, 2004, the City Council approved Capital Improvement Program funding in the amount of \$150,000 for the construction of a new skate park facility located below the Kellogg Flyover between St. Francis and Emporia Streets. At that time, the city was awaiting the confirmation of a \$200,000 Land and Water Conservation Grant from the Department of the Interior through the Kansas Department of Wildlife and Parks (KDWP). The \$200,000 is needed to provide for construction services for the new skate park.

On January 31, 2005, the City of Wichita received a confirmation letter from KDWP stating that upon receiving a signed contract agreement from the City, the \$200,000 grant funding is now available for this project. The contract letter has been signed by the City and returned to the KDWP office to validate the agreement.

The construction documents and specifications are ready for bid and the scheduled time of completion is the Summer 2005. Funding for this project is now fully allocated to begin construction services in Spring 2005.

The \$200,000 grant requires a 50/50 match. The 2002 Park CIP included \$50,000 for the design phase and the 2004 Park CIP included \$150,000 for the construction phase.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 52

The City will be required to comply with the conditions of the grant agreements.

Motion--carried

Mayans moved that the grant be approved. Motion carried 7 to 0.

HUD GRANT

HUD ECONOMIC DEVELOPMENT INITIATIVE GRANT VETERAN'S PARK. (DISTRICT VI)

Agenda Report No. 04-0164

The John S. Stevens Memorial was dedicated in 1977 and was conveyed to the Board of Park Commissioners by the City of Wichita in 1980. Since that time, the Stevens Memorial has become one of the key memorials in Veterans Park, displaying 14 different flags, which give a brief chronological history and development of the United States. In recent years, the memorial has shown signs of aging and the condition of the flag systems are in great need of replacement with newer technology that will provide greater durability and vandal resistance. The existing walls around the plaza area are also in need of treatment to increase visibility and public safety to the plaza.

In 2003, Operation Ensign, a non-for-profit 501C3 corporation, was formed by Chairperson Phil Blake and others to dedicate its efforts to the restoration of the Stevens Memorial and other veterans' memorials in the city. Since that time, Park and Recreation staff have been actively developing criteria in partnership with Operation Ensign to resolve the issues in Stevens Memorial. In May 2004, the City developed and constructed a ADA-compliant bus drop-off area along North Greenway Boulevard and a new access walkway for future memorial events to improve site accessibility for larger events. This was considered one of the first important steps to improving the mission for event use in Veterans Park and the Stevens Memorial.

Since the Fall of 2003, Operation Ensign has worked actively with federal officials to lobby for needed funding to rehabilitate Stevens Memorial. On November 23, 2004, Congress announced that the U.S. Department of Housing and Urban Development awarded two Economic Development Initiative Special Project grants for Project Ensign and the City of Wichita. The purpose of these grants is to renovate and restore the Stevens Memorial located within Veterans Park.

Two grants were awarded for Veterans Memorial Park. Project Ensign (Operation Ensign) was awarded \$300,000 and the City of Wichita will receive \$250,000. Both grants are for Veterans Memorial Park with funds having a five-year requirement for funding to be spent.

With these funds, the grants will be used to restorate the lanyards and cabinet boxes for the flagpoles. This funding will also be used to make improvements necessary to improve visibility and park safety for the wall work, as well as other restoration efforts that may be required to bring the project to a satisfactory condition.

The City of Wichita grant totals \$250,000 and does not require matching funds.

The City will be required to comply with the conditions of the grant agreement.

Motion--
--carried

Mayans moved that the grant application be approved and the necessary signatures for the grant application and the grant award be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 53

IRB, PARK WEST

REDEMPTION OF INDUSTRIAL REVENUE BONDS, PARK WEST PLAZA, L.L.C. (DISTRICT V)

Agenda Report No. 05-0165

On September 19, 1995, the City Council approved the issuance of Assisted Care & Independent Living Facility Refunding Revenue Bonds in the amount of \$4.2 million to Park West Plaza, L.L.C. On September 9, 1997, City Council also approved issuance for Elderly Housing Revenue Bonds, in an amount not to exceed \$3.5 million. Bond proceeds were used to construct and equipment a 60-unit assisted living facility, a 24-unit special care assisted living facility, and 18 independent living units. Park West Plaza is requesting City Council to ratify an early call of the bonds.

Section 302 (d) of the 1995 bond issue; Section 302 (d) of the 1997 Series A bond issue and Section 302 (e) of the 1997 Series B bond issue provides that the Issuer may elect to redeem Bonds subject to optional redemption upon receipt of a written request from the Tenant to the Issuer and Trustee. The City received notice from the Tenant of company's intention to redeem all outstanding bonds on April 1, 2005.

There is no financial impact to the City resulting from the proposed redemption.

Motion--
--carried

Mayans moved that the notice to the Trustee and the call be approved/ratified; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

2006 FED. LEGIS.

2006 FEDERAL LEGISLATIVE PRIORITIES.

Agenda Report No. 05-0166

The City Council reviewed departmental requests for 2006 federal legislative assistance, at its January 25, 2005 workshop. Departments submitted a total of twenty-two requests. The City Council was requested to rank the departmental requests in priority order so that the City Council can present the top priorities to the Congressional Delegation.

At the January 25, 2005 workshop the City Council discussed issues to be presented to the federal delegation. It was the consensus of the Council to have each council member rank the suggested issues and add other issues if desired. Staff tabulated the ranking sheets and identified the top six federal legislative priorities. The Mayor has also identified three issues of priority in addition to the six.

Staff will prepare a 2006 Federal Legislative Requests notebook with the priority issues identified by the City Council as well as other issues of importance to the City. These issues will be presented as priorities during the meeting with the Kansas Congressional Delegation in Washington D.C during the week of March 11-15.

Some federal requests require local matching funds. Historically, the City has identified a variety of sources to provide local matching funds and will continue to do so for City Council priorities.

Should federal funding be secured contracts and/or memorandums of understanding will be initiated as appropriate.

Motion--carried

Mayans moved that the 2006 Federal Legislative priorities be approved. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 54

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 15, 2005)

- a) Acquisition by Eminent Domain of tracts required for the East Kellogg/Rock Road Improvement Project. (District II)

ORDINANCE NO. 46-538

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- b) Tax exemption request, Wichita Coffee Roasterie, Inc. (District IV)

ORDINANCE NO. 46-539

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Wichita Coffee Roasterie, Inc., so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

(Agenda Item 21c)

- c) Impounding vehicles, emergency wrecker service, and private towing.
(This Item was deferred)

- d) ZON2004-00066 - generally located northwest of Oliver and Washington Blvd. (District III)

ORDINANCE NO. 46-541

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2004-00066)

- e) ZON2004-00063 - generally located south of Lincoln and east of Webb Road. (District II)

ORDINANCE NO. 46-542

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2004-00063)

- f) ZON2004-00064 - Generally located at the northwest corner of Douglas and Ridge Road.
(District V)

ORDINANCE NO. 46-543

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2004-00064)

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 55

g) ZON2004-00065 - generally located between Hillside Avenue and Lorraine Street, approximately 305-feet south of Central Avenue. (District I)

ORDINANCE NO. 46-544

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2004-00065)

UNFINISHED BUSINESS

CONDEMNATION REPAIR OR REMOVAL OF UNSAFE STRUCTURES, 1615 WEST MAPLE. (DISTRICT IV) **(NEW BUSINESS, FEBRUARY 1, 2005)**

Kurt Schroeder Office of Central Inspection reviewed the item.

Agenda Report No. 05-0167

This property was before the Board of Code Standards and Appeals (BCSA) on November 8, 2004. No repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

The case was before Council for a hearing on February 1, 2005. No one appeared to represent the property and Council adopted a resolution to proceed with demolition.

On February 4, 2005, staff was contacted by an attorney for the current owner of the property, who requested that this case be brought back to the City Council for review. The current owner, Mr. Rick Rice, sold this property on a contract for deed in July 2002, and has now filed a foreclosure action against the contract buyer in order to re-obtain possession of the property. Mr. Rice's intent is to pay all taxes, assessments and liens, and to repair the property to minimum code standards as soon as the foreclosure action is completed.

The property is secure. There are some tree limbs and bulky waste on rear of the premises, primarily from the recent ice storm.

Taxes: The 2002, 2003 and 2004 taxes are delinquent in the amount of \$1,904.47. There are special assessments for lot cleanup and emergency board up in the amount of \$901.50.

The owner has been notified of the date and time of this hearing.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Michael Priddle Mr. Priddle stated that he is representing the property owner and that this property was abandoned a year ago and sent to an attorney firm for foreclosure. Stated that it was sent to his office on January 23, 2005 and that he ran the title report and on February 1, 2005, determined that there was action for demolition, which happened to be the same day as the City's hearing. Stated that he contact Kurt Schroeder on February 2nd and informed him of the situation. Stated that his client, Mr. Rice is willing to bring all of the taxes current and they are currently foreclosing. Stated that there are a number of outstanding liens and that they would like the opportunity to claim title and clear the property. There is a maintenance person lined up to begin the repair work on this property. Stated that they would like the court order from the foreclosure showing liability to be to Mr. Williams, who is on contract for deed for that property prior to his client, Mr. Rice, paying those assessments and taxes. Stated that they believe that the foreclosure action can be completed in approximately 60 days at which point, everything will be paid current and will bring it into compliance.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 56

Motion--
--carried

Gray moved to allow the owner 60 days to pay all delinquent taxes and special assessments and if done, an additional time up to 60 days to complete the exterior repairs to the structure. Motion carried 7 to 0.

NEW BUSINESS

APPEAL

APPEAL FROM AN ORDER OF THE CHIEF OF POLICE TO DENY A PRIVATE MERCHANT POLICE AGENCY LICENSE TO EVENT SERVICES MANAGEMENT, INC., PURSUANT TO 3.72.290(8) OF THE CITY CODE.

Mayor Mayans

Mayor Mayans stated that inherent to the appeal process of the City Council regarding this item is the opportunity to be heard in a fair and proper hearing. Stated that the Chief of Police or its representative are given first the opportunity to present the Police Department's position in this matter. Next the applicant or their representative will be given the opportunity to present their position and the City Council Members have the opportunity to ask questions of either the Police Department or the applicant(s). There are no public comments since the Council is exercising their quasi-judicial hearing.

Terri Moses

Deputy Police Chief reviewed the item.

Agenda Report No. 05-0168

Section 3.72.290(8) of the City Code provides that the Chief of Police may deny a private merchant police license to an applicant after a hearing unless the applicant can make a showing that the applicant, or if an agency, that each of its officers, directors, partners or associates has not committed certain acts that are set forth in the code. On January 7, 2005, such a hearing was held regarding the license application of Event Services Management, Inc., which was attended by the applicants, their attorney, and members of the Wichita Police Department and City Law Department. During this hearing, Chief Williams heard statements from the applicants, Jeffery Roman Martin and John Roberts, their attorney, John Stang, and several Wichita police officers.

As a result of that hearing, on January 27, 2005, the Chief sent a letter to Mr. Stang denying the application of Event Services Management, Inc. for a Private Merchant Police license. The letter outlined the Chief's findings and stated as follows:

After reviewing the notes from the January 7, 2005 hearing and associated documents from department members, it was clear to me that the co-owners of Event Management, Inc. violated the City of Wichita Private Merchant Police, Watchmen and Security Officer Ordinance, Chapter 3.72; specifically, the following Sections:

- 3.72.070: engaging in activities within the purview of Chapter 3.72 without having the required identification card in possession.
- 3.72.130: hiring persons to work as private security officers who are not licensed to do so.
- 3.72.200: wearing a distinctive uniform without having first obtained a private security officer or agency permit.
- 3.72.280: engaging in private security business without a license.
- 3.72.370: impersonating a private security officer.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 57

Chief Williams then informed Mr. Stang that should Event Services Management, Inc. want to apply for a Private Merchant Police license after one year has passed, and the applicants have obeyed all laws in the meantime and otherwise qualify for licensing, then their application would not be denied at that time.

Because the applicants were unable to make a showing that they had not committed acts for which a license is required by the Chapter 3.72 of the City Code, Chief Williams denied the license of their agency, Event Services Management, Inc., pursuant to 3.72.290 (8)(g). The letter of denial sent to Mr. Stang on behalf of his clients triggered the right to appeal the license denial to the City Council, as provided in Section 3.04.065 of the City Code.

If the City Council upholds the decision of the Chief, the applicants have the further option of appealing that decision to the district court, pursuant to state statute.

Mayor Mayans Mayor Mayans asked if the applicant or representative would like to speak at this time.

(Neither the applicant or representative was present).

Motion--carried Mayans moved to uphold the decision of the Chief of Police. Motion carried 7 to 0.

APPEAL CLUB XS APPEAL FROM AN ORDER OF THE CHIEF OF POLICE TO RECLASSIFY LOCAL LIQUOR LICENSE OF CLUB XS AT 2313 S. SENECA. (DISTRICT IV)

Mayor Mayans Mayor Mayans stated that inherent to the appeal process of the City Council regarding this item is the opportunity to be heard in a fair and proper hearing. Stated that the Chief of Police or its representative are given first the opportunity to present the Police Department's position in this matter. Next the applicant or their representative will be given the opportunity to present their position and the City Council Members have the opportunity to ask questions of either the Police Department or the applicant(s). There are no public comments since the Council is exercising their quasi-judicial hearing.

Robert Lee Deputy Chief reviewed the item.

Agenda Report No. 05-0169

City ordinance defines a drinking establishment/restaurant (DER) as a business that is open to the general public, sells liquor by the individual drink and meets one of the following requirements: The business shall derive not less than 50% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period; or such business shall derive not less than 30% of its gross revenues from sales of food and beverages for consumption on such premises in a six-month period and shall have not less than 70% of the public assembly area of the licensed premises devoted to designated seating for the service of food for consumption on the licensed premises. (See Section 4.04.010(t) of the City Code.) Minors under the age of 21 years are allowed on the premises of a DE/R but cannot consume alcohol. Any establishment not meeting the above food sales and seating space criteria is classified and licensed as a drinking establishment (DE), and minors under the age of 21 years are prohibited from entering or remaining on the premises.

The City Code also provides that a business licensed as a DE/R maybe reclassified as a DE in the event that the business fails to meet food sales or seating space criteria. Section 4.16.095 (c) of the City Code authorizes the Chief of Police to reclassify any DE/R as a DE if the establishment "fails to provide information showing either the required amount of gross revenues from sales of food or the percentage of floor space devoted to the designated seating according to the floor plan, and the service of food for consumption on the licensed premise". Subsection 4.16.095 (d) of the City Code provides that an order of reclassification issued by the Chief of Police may be appealed to the City Council within seven days from the date of the order. An appeal from the Chief's order to the City Council stays the order of reclassification until the matter is resolved by the Council.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 58

Club XS, located at 2313 S. Seneca, has been licensed as a DE/R since April 15, 2004. On 1/07/2005 Wichita Police Department Detectives hand delivered a letter to the owner/manager of Club XS requesting information showing that the establishment was in compliance with Section 4.04.010 (t) regarding percentage of food sales. A list requesting specific information necessary for the audit of Club XS revenues was attached. However, none of the information requested was provided.

On February 3, 2005, Chief Williams sent a letter to Mr. Brian Michaels, the licensee for Club XS, informing him that the establishment was being reclassified to a DE, due to failure to comply with City ordinance 4.04.010 (t).

If the City Council upholds the decision of the Chief, the licensee has the further option of appealing to the district court, pursuant to state statute. Such an appeal would not stay the order of reclassification.

Brian Michaels

Mr. Michaels stated that he is the owner of Club XS, which is located at 2313 S. Seneca. Stated that his business is only open from Thursday through Sunday and that he was unable to receive the notice that was delivered by Detective Quinn because he is not there at 8:00 a.m. when his mail is delivered. Stated that he had no idea what was going on or that the Police Department had tried to serve him with a certified letter. Stated that he attempted to retrieve it from the post office and was told that they had already sent it back. Stated that detective Quinn notified him that he needed to provide him with several things under the drinking establishment restaurant licensing, (DER) code. Stated that he produced all of the records that were requested of him except for a detailed list of all of the purchases he had made from Sam's Club, which is the provider of the food for his establishment. Stated that at that time he did not have it because of a problem that he had with a former bookkeeper who threw away all of the paperwork in the trash when she was terminated. Stated that he contacted detective Quinn on February 11th and told him that he had everything but the Sam's Club information.

Stated that this is his only source of income and that he is a single father of three and is asking that the Council reconsider this reclassification because it would mean that he would have to shut his doors, liquidate what little valuables there are inside the business and go on unemployment. Stated that he has made a lot of changes to his business and now has an ID reader at the front door, replaced every front doorman, bouncer, bartenders, waitresses and anyone having to do with security. Stated that the reason he did not provide detective Quinn with the audit on time is because he was waiting for all the information from Sam's Club. Stated that he has started a cleanup of the area in this neighborhood and it is not an eyesore in the area and has been there for three years and it is his dream to own his own business. Asked that the Council stay the reclassification at this time.

Council Member Gray

Council Member Gray asked what the ratio is of food sales to liquor sales.

Brian Michaels

Mr. Michaels stated that the revenue from food sales through the six-month period that was requested was \$10, 830.31 and the liquor sales in the same time frame was \$14, 879.35, making that 40%. Stated that he only has 44 days left on his DER license and would like to be able to operate his business and be given an opportunity to sale it or liquidate it.

Council Member Gray

Council Member Gray stated that he has information from an officer saying that last weekend that you, a bartender and a an 18 year old were all sited for a minor consuming alcohol.

Brian Michaels

Mr. Michaels stated that was his niece and that she was not drinking but simply standing on the dance floor and the officers grabbed her knowing that she was under the age of 21 because they have been in there before and that she was there to help him do some cleanup and watching the show that was going on. Stated that she was yanked out of his establishment and taken in the back and according to what she told him, she was placed in handcuffs, forced to give a breathalyzer test and told that she would loose her child if she did not cooperate with them and tell them what they wanted to hear. Stated that they have plans to fight this in court.

Council Member Gray

Council Member Gray asked Gary Rebenstorf, Director of Law, what the relevance of being sited but not yet convicted of a minor drinking in an establishment as it pertains to this type of situation.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 59

- Gary Rebenstorf Mr. Rebenstorf, Director of Law, explained that in order to have any effect upon the license, there has to be a conviction. Stated just the fact that there is an arrest and a charge filed, you cannot use that as a basis to revoke or deny a license since there is not a conviction.
- Council Member Brewer Council Member Brewer asked Deputy Chief Lee if there have been any complaints from the surrounding businesses in that area.
- Robert Lee Deputy Police Chief stated that he is not familiar with complaints from the surrounding businesses but have received complaints from patrol officers with regards to underage drinking and also the same complaints from the state officer that was in this facility. Stated that one of his concerns was not only the underage drinking but also felt that the kitchen for this business, which would prepare food, was not functional or very minimally functional at best.
- Council Member Brewer Council Member Brewer asked the Director of Law if the Council agrees to allow him the 45 days to operate and they continue to serve to minors and there is a problem , if there are any liabilities that the City would fall under because we approved it when the police department recommended not to.
- Gary Rebenstorf Director of Law explained that from the standpoint of liabilities, there is no liability for the City as far as whether the Council approves or disapproves the license. Stated that the criminal process takes care of issues involving whether minors are being served or other types of violations are taking place and as indicated there is a pending criminal case regarding a violation of underage drinker but at this point it is still a pending case and unless there is a conviction we cannot use it as a basis to deny or suspend the current license. Stated that the issue here is whether this club has complied with the requirements of the ordinance to provide proof that they have operated as DER and whether they have complied with reasonable notice and opportunity to comply as provided by the Chief.
- Brian Michaels Mr. Michaels stated that there were concerns about the kitchen and that apparently on that particular night he was in the hospital and the cook walked out without doing his dishes and he did not clean up after himself. Stated that this has been taken care of and that he did receive a surprise inspection at 9:00 p.m., in which he did pass that inspection. Stated that he voluntarily closed his business the following week because he wanted to redo some of his plumbing due to the freeze that the City had. Stated that he is now in complete compliance with the health department and all city codes.
- Council Member Martz Council Member Martz stated that he is struggling with approving an extension because the police department has found violations and he has stated that he is going to close down this business regardless of the outcome. Stated that he has a problem with a business being open and using the excuse of not being able to pick up the mail. Stated that he does not feel any obligation since he is going to close his business within 45 days anyway to grant this extension and would be in favor of upholding the police department's decision.
- Council Member Gray Council Member Gray stated that he could understand why the police department revoked this license regards to the fact that he was not able to provide them with the audit information that they requested within their time frame and that he supports their decision but the applicant is allowed to appeal this decision to the City Council and unless you have provided additional information that was capable of subverting the original decision of the police department, he would maintain the original decision of the police department. Stated that in relevance of just the citation regarding minors in this establishment, it does not qualify as a reason to revoke his license at this point in time unless he is convicted. Stated that he would be willing to grant the applicant his appeal to allow him to maintain his business for the next 45 days until he closes it but under the strict guidance that Mr. Michaels does not get into any further trouble with minors, maintains a clean property and becomes a good neighbor to his fellow businesses and to the citizens that live around his establishment, which he has received some complaints from regarding this.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 60

Council Member Brewer Council Member Brewer stated that one of the things that he has been looking at regarding this issue is that it appears that there has been a lot of attention that has been paid to this particular establishment and there are obviously some additional issues that are going on due to the number of inspections. Stated that after listening to both sides, there is more happening here than the Council realizes and normally when a business is only operating three or four days a week there is a need to cram in as many people as possible to make money and has concerns about granting the stay for 45 days.

Brian Michaels Mr. Michaels stated that he only works four days a week because he is a single father of three and that is the reason that he works limited hours. Stated that he does not attempt to cram people in and has never broken the fire code and has never met the limit capacity in his business. Stated that he feels that what has triggered this is because he complained against an officer to the special investigations unit about verbal abuse that he received in front of his employees and patrons in which he was cursed at. Since that day he was advised by his attorney to go and complain and since he has made that complaint he has seen the police in his business almost every single weekend. Stated that he is not a nuisance to the businesses around him and has tried very hard to be a good business owner. Stated that this location has a bad history and has made an effort to clean this area up and would invite the Council to come by and spend an evening in his business.

Mayor Mayans Mayor Mayans stated that he respects Council Member Gray's opinion but after hearing both sides he feels that there has been some irresponsible activity going on and feels that since so many government entities have inspected this establishment he agrees that no good purpose can exist by continuing to keep this open.

Motion--carried Mayans moved to uphold the decision of the Chief of Police. Motion carried 7 to 0.

COFFEE ROASTERIE TAX EXEMPTION REQUEST, WICHITA COFFEE ROASTERIE, INC. (DISTRICT IV)

Allen Bell Director of Economic Development reviewed the item.

Agenda Report 05-0170

On February 15, 2005, City Council approved a tax exemption for Wichita Coffee Roasterie, Inc., that included construction of building improvements and purchase of new manufacturing equipment. Under previous notification from Kansas Board of Tax Appeals ("BOTA"), the Board requires that exempt periods provided for leased and non-leased property be the same.

As a requirement by BOTA, without changing the tax effect intended by the initial Council action (i.e. to have a lesser period of exemption for some of the personal property than for the real property) the company has agreed to make "payment-in-lieu-of-taxes" on the second five years of abatement for the personal property covered under the original Ordinance, equal to the amount of ad valorem taxes during the second five-year exemption period that would have been paid had such property not been exempted from taxes for such period, determined according to the personal property retail cost new, less depreciation and minus any disposal of such exempted property during that five-year time period.

There will be no financial impact to the City regarding BOTA's request.

The company's agreement to make payments-in-lieu-of-taxes to offset the additional abatement should keep the original intent intact.

Mayor Mayans Mayor Mayans inquired whether anyone wished to heard and no one appeared.

Motion-- Gray moved that the second reading of the amended Ordinance be approved and the proposed payment-in-lieu-of-tax agreement be approved. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 61

ORDINANCE NO. 46-539

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Wichita Coffee Roasterie, Inc., so exempted, read for the second time. Gray moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

AVIATION TRAINING AVIATION TRAINING CENTER PROJECT.

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 05-0171

Since 2001, the City of Wichita has participated in the Kansas Technical Training Initiative (KTTI), along with Sedgwick County, the State of Kansas, U.S.D. 259, Boeing Wichita, Bombardier Aerospace, Cessna Aircraft and Raytheon Aircraft. The mission of KTTI has been to address the critical need for highly-skilled technicians in various industrial and service clusters, with initial emphasis on the aviation cluster. A key objective of this endeavor has been the development of a world-class aviation training facility. Working with the Wichita Airport Authority, KTTI has identified a preferred site for the facility on the northwest side of the Col. James Jabara Airport on Webb Road, near 39th street North. KTTI has asked the City of Wichita to play a leading role in the development of the new aviation training facility and to authorize the initial phase of design.

The ability to supply the aviation industry with sufficient numbers of well qualified technicians has been a challenge for many years. With the aging of the existing workforce and the changes occurring in the aircraft manufacturing sector, it is predicted that this problem will quickly become acute. A high percentage of the overall workforce in the Wichita region work in the manufacturing sector, and most of those workers are employed by aviation-related businesses. In addition to diversifying the economy, community economic development efforts need to focus on strengthening the high-wage aviation manufacturing sector. Without an adequate supply of skilled workers, companies looking to relocate will pass by the Wichita area, and growing local companies will look to relocate to other areas.

Visioneering Wichita also focused on the critical needs in the area of technical training and noted that a high percentage of the aviation workforce will reach retirement age within the near future and that the natural replacement processes through existing institutions will not come close to meeting the needs. One of the keys to keeping our young people from leaving, and attracting new young workers to the area, is to provide attractive educational and vocational training opportunities. Visioneering Wichita's strategic plan calls for the development of a world-class system and facilities for adult basic education, technical education programs and customized training.

To address the technical education needs in the greater Wichita region, four area technical education colleges have formed a consortium. The Kansas Institute for Technical Excellence (KITE) is comprised of the Wichita Area Technical College, Butler County Community College, Cowley County Community College and Hutchinson Community College. Within the KITE structure, each college will be responsible for operating technical education programs in or near Wichita that serve the workforce training needs of the various economic sectors. Cowley County Community College has the responsibility for aviation training programs and has moved its operations in this area from its Strother Field campus to temporary quarters at the Cessna Aircraft Pawnee Plant.

The size, layout and cost of the new aviation training facility is not known at this time. Costs of similar projects in other states have cost between \$6 million and \$8 million. KTTI proposes to establish a design comprised of facilities engineers and technical trainers to work with Cowley Community College, the City of Wichita and a project architectural firm to develop a development program, conceptual design and preliminary cost estimates. The four aviation companies and Cowley Community College have committed to advance \$5,000 each (\$25,000) to cover the initial phase of conceptual design. These funds are to be reimbursed when and if the project is permanently financed.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 62

Because the project will be located on Wichita Airport property, KTTI and Cowley Community College are asking the City of Wichita to perform the function of sponsor and project manager. Under this arrangement, the City will serve as the contracting authority for design and construction of the facility, which will be leased on a "turn-key/triple-net" basis to Cowley Community College. The City will follow its standard procurement procedures for selection of all architects and contractors. All costs of operating the new aviation training facility would be the responsibility of Cowley CC.

The City, KTTI and Cowley Community College have several options for the permanent financing of the aviation training facility, including the use of Wichita Public Building Commission lease revenue bonds, City of Wichita general obligation bonds and Wichita Airport Authority airport special facility revenue bonds. A decision on the most appropriate form of financing can be made once the scope of the project is better identified through the conceptual design process.

The cost of completing a conceptual design is estimated to be around \$20,000. This cost will be funded by KTTI through advances from the four aviation companies and Cowley County Community College, up to \$25,000. Once the design consultant has been selected, KTTI will be invoiced for the full amount of the conceptual design contract, up to \$25,000.

The resolution authorizing the conceptual design of the aviation training facility will initiate the capital project and eventually provide the City with legal authority to use temporary note proceeds to fund design and construction. In order to incur costs beyond the conceptual design phase, however, the City Council must adopt an amending resolution that increases the scope and amount of the project.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the resolution authorizing conceptual design of the proposed aviation training facility to be constructed at Jabara Airport be adopted and the selection of a design consultant be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 05-113

A resolution authorizing the issuance of general obligation bonds of the City of Wichita, Kansas to Pay a Portion of the Costs of Developing a preliminary plan and conceptual design for the development of an Aviation Training Center to be Located at the Col. James Jabara Airport, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ASSESSMENTS

PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR TWENTY-ONE (21) PAVING PROJECTS IN JULY 2005 BOND SALES SERIES 782. (DISTRICTS II, IV, V, VI)

Jim Armour

Acting City Engineer reviewed the item.

(Council Member Brewer momentarily absent).

Agenda Report No. 05-0172

The Council was notified on February 1, 2005 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

Notice of hearing letters were published February 7, 2005 in the Wichita Eagle being not less than ten days prior to the date of hearing. All affected property owners have been notified in writing. Department of Finance and Public Works staff held an informal hearing February 14, 2005 at 11:00 a.m. for the paving projects.

Statements of Special Assessment will be mailed to the property owners on March 11, 2005. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2005 bond sale. The interest added to

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 63

the principal amount will be determined by the rate at which the bonds sell. The principal and interest will then be spread and placed on the 2005 tax roll.

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. as amended. All of the projects were 100% petitions with the exception of:

Paving Projects

472-83474	54.23% Petition	Improving Sedgwick, Athenian, Charles, St. Clair, Delaware, 54th St. N., 56th St. N. & 57th St. N. Mosley, 10th & 11th Street
472-83478	51.10% Petition	Improving Joann

a) (490-752/472-83250) CONSTRUCTING A PEDESTRIAN WALKWAY & WATER & SANITARY SEWER SERVICE LINES (On Mead, between Douglas & 1st Street), as authorized by Resolution R-00-272, rescinded by Resolution No. 05-014, adopted July 11, 2000, January 04, 2005, and published July 14, 2000, January 10, 2005. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$55,999.00 is to be apportioned 100 % payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

b) (490-935/472-83385) IMPROVING MILSTEAD, MILSTEAD CT., LOTUS & SIDEWALK (East of 119th St. West, North of Pawnee), as authorized by Resolution R-01-242, adopted June 5, 2001, and published June 8, 2001. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$354,079.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

c) (490-945/472-83455) IMPROVING WAWONA (East of K-96, South of 21st), as authorized by Resolution R-01-510, rescinded by Resolution No. R-03-625, amended by Resolution No. R-04-142, adopted December 11, 2001, December 2, 2003, & April 6, 2004, and published December 15, 2001, December 5, 2003 & April 8, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$121,950.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

d) (490-828/472-83474) IMPROVING SEDGWICK, ATHENIAN, CHARLES, ST. CLAIR, DELAWARE, 54th ST. N., 56th ST. N., & 57th ST. N. (North of 53rd St. N., East of Meridian), as authorized by Resolution R-02-069, rescinded by Resolution No. R-02-337, adopted February 5, 2002 & July 9, 2002, and published February 9, 2002; July 13, 2002; corrected & republished July 20, 2002 & corrected & republished December 20, 2004. Petition for this improvement was signed by owners representing 54.23% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$767,254.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

e) (490-829/472-83478) IMPROVING JOANN (North of Central, South of Zoo Boulevard), as authorized by Resolution R-02-068, adopted February 5, 2002, and published February 9, 2002, corrected & republished January 14, 2005. Petition for this improvement was signed by owners representing 51.10% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$158,607.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

f) (490-887/472-83637) IMPROVING PECKHAM, PECKHAM COURT & SIDEWALK (East of 127th St. E, North of 21st St.), as authorized by Resolution R-02-507, adopted November 19, 2002, and published November 25, 2002. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$250,066.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 64

- g) (490-940/472-83638) IMPROVING PECKHAM, MAINSGATE CIRCLE & SIDEWALK (North of 21st, East of 127th Street East), as authorized by Resolution R-03-244, adopted May 20, 2003, and published May 23, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$220,895.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- h) (490-888/472-83647) IMPROVING CAMDEN CHASE & SIDEWALK (North of 21st, East of 127th Street East), as authorized by Resolution R-02-508, rescinded by Resolution No. R-04-434, adopted November 19, 2002 & August 17, 2004, and published November 25, 2002 & August 20, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved January 4, 2005, in the amount of \$113,888.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- i) (490-959/472-83716) IMPROVING BRACKEN CIRCLE & ZIMMERLY COURT (South of Lincoln, West of 127th Street East), as authorized by Resolution R-03-142, rescinded by Resolution No. R-04-523, adopted March 18, 2003 & September 21, 2004, and published March 22, 2003 & September 24, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$220,100.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- j) (490-913/472-83772) IMPROVING NORTHWIND, NORTHWIND CIR., HAZELWOOD, NORTHSHORE CIR., NORTHWIND CT., & SIDEWALK (East of Ridge, North of 29th Street North), as authorized by Resolution R-03-234, adopted May 13, 2003, and published May 16, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$263,577.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- k) (490-947/472-83782) IMPROVING PARKDALE, BRISTLE CONE, BRISTLE CONE CIRCLE, LANTANA, LANTANA COURT & SIDEWALK (South of 29th Street North, West of Maize), as authorized by Resolution R-03-575, rescinded by Resolution No. R-04-093, adopted November 4, 2003 & March 2, 2004, and published November 7, 2003 & March 5, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$331,440.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- l) (490-973/472-83789) IMPROVING RED FOX CIRCLE (North of 29th Street North, Between Maize & Tyler), as authorized by Resolution R-03-304, adopted June 10, 2003, and published June 13, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$66,220.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.
- m) (490-933/472-83848) IMPROVING ANDREA, ANDREA CT. & TARA FALLS CT. (East of Greenwich, South of Harry), as authorized by Resolution R-03-518, adopted September 16, 2003, and published September 19, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$234,667.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 65

n) (490-942/472-83860) IMPROVING 27th STREET SOUTH (North of 31st Street South, West of Seneca), as authorized by Resolution R-03-539, amended by Resolution No. R-04-215, rescinded by Resolution No. R-04-389, adopted October 21, 2003, May 4, 2004 & August 3, 2004, and published October 24, 2003, May 7, 2004, corrected & republished May 18, 2004, August 6, 2004, corrected & republished August 14, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$96,722.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

o) (490-946/472-83892) IMPROVING ST. PAUL, ST. PAUL COURT & SIDEWALK (West of Meridian, South of MacArthur), as authorized by Resolution R-03-650, adopted December 16, 2003, and published December 22, 2003. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$121,680.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

p) (490-952/472-83930) IMPROVING AUBURN HILLS, MONTEREY, OCALA, AUBURN HILLS CT. & SIDEWALK (West of 135th Street West, North of Kellogg), as authorized by Resolution R-04-017, rescinded by Resolution No. R-04-120, adopted January 6, 2004 & March 16, 2004, and published January 9, 2004 & March 19, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$481,323.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

q) (490-955/472-83937) IMPROVING 20th STREET (South of 21st Street North, East of Webb Road), as authorized by Resolution R-04-041, adopted February 3, 2004, and published February 13, 2004, corrected & republished August 13, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$98,449.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

r) (490-970/472-83954) CONSTRUCTING A TRAFFIC SIGNAL ON 21ST STREET NORTH (North of 21st, West of Greenwich), as authorized by Resolution R-04-074, adopted February 10, 2004, and published February 13, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$120,772.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

s) (490-971/472-83956) IMPROVING MAIZE CT. & HAMMERHEAD CUL-DE-SAC (West of Maize, South of Pawnee), as authorized by Resolution R-04-089, rescinded by Resolution No. R-04-611, adopted March 2, 2004 & November 9, 2004, and published March 5, 2004 & December 7, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$110,343.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

t) (490-969/472-83957) CONSTRUCTING A TRAFFIC SIGNAL AT THE INTERSECTION OF MAIZE ROAD & CENTRAL PARK STREET (North of 21st, West of Maize), as authorized by Resolution R-04-088, rescinded by Resolution No. R-04-447, adopted March 2, 2004 & August 31, 2004, and published March 5, 2004 & September 3, 2004, corrected & republished September 25, 2004, corrected & republished October 16, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$91,161.00 is to be apportioned to the improvement district. The cost has been assessed on a fractional basis.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 66

u) (490-976/472-83968) IMPROVING GLENWOOD CIRCLE (East of 127th Street East, South of 21st), as authorized by Resolution R-04-116, adopted March 16, 2004, and published March 19, 2004. Petition for this improvement was signed by owners representing 100.00% of the property ownership. The Statement of Cost approved December 21, 2004, in the amount of \$163,062.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a fractional basis.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Thomas Green

Mr. Green stated that he resides at 776 West Street and feels that his property should not be assessed.

Motion--
--carried

Schlapp moved that the Public Hearing be closed; the proposed assessments approved and the ordinances placed on first reading. Motion carried 7 to 0.

a) (490-752/472-83250)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of CONSTRUCTING A PEDESTRIAN WALKWAY & WATER & SANITARY SEWER SERVICE LINES (On Mead, between Douglas & 1st Street), introduced and under the rules laid over.

b) (490-935/472-83385)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING MILSTEAD, MILSTEAD CT., LOTUS & SIDEWALK (East of 119th St. West, North of Pawnee), introduced and under the rules laid over.

c) (490-945/472-83455)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING WAWONA (East of K-96, South of 21st Street), introduced and under the rules laid over.

d) (490-828/472-83474)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING SEDGWICK, ATHENIAN, CHARLES, ST. CLAIR, DELAWARE, 54th ST. N., 56th ST. N., & 57th ST. N. (North of 53rd St. N., East of Meridian), introduced and under the rules laid over.

e) (490-829/472-83478)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING JOANN (North of Central, South of Zoo Boulevard), introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 67

f) (490-887/472-83637)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING PECKHAM, PECKHAM COURT & SIDEWALK (East of 127th St. E, North of 21st Street), introduced and under the rules laid over.

g) (490-940/472-83638)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING PECKHAM, MAINSGATE CIRCLE & SIDEWALK (North of 21st, East of 127th Street East), introduced and under the rules laid over.

h) (490-888/472-83647)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING CAMDEN CHASE & SIDEWALK (North of 21st, East of 127th Street East), introduced and under the rules laid over.

i) (490-959/472-83716)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING BRACKEN CIRCLE & ZIMMERLY COURT (South of Lincoln, West of 127th Street East), introduced and under the rules laid over.

j) (490-913/472-83772)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING NORTHWIND, NORTHWIND CIR., HAZELWOOD, NORTHSHORE CIR., NORTHWIND CT., & SIDEWALK (East of Ridge, North of 29th Street North), introduced and under the rules laid over.

k) (490-947/472-83782)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING PARKDALE, BRISTLE CONE, BRISTLE CONE CIRCLE, LANTANA, LANTANA COURT & SIDEWALK (South of 29th Street North, West of Maize), introduced and under the rules laid over.

l) (490-973/472-83789)

CITY COUNCIL PROCEEDINGS

MARCH 1, 2005

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING RED FOX CIRCLE (North of 29th Street North, Between Maize & Tyler), introduced and under the rules laid over.

m) (490-933/472-83848)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING ANDREA, ANDREA CT. & TARA FALLS CT. (East of Greenwich, South of Harry), introduced and under the rules laid over.

n) (490-942/472-83860)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING 27th STREET SOUTH (North of 31st Street South, West of Seneca), introduced and under the rules laid over.

o) (490-946/472-83892)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING ST. PAUL, ST. PAUL COURT & SIDEWALK (West of Meridian, South of MacArthur), introduced and under the rules laid over.

p) (490-952/472-83930)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING AUBURN HILLS, MONTEREY, OCALA, AUBURN HILLS CT. & SIDEWALK (West of 135th Street West, North of Kellogg), introduced and under the rules laid over.

q) (490-955/472-83937)

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING 20th STREET (South of 21st Street North, East of Webb Road), introduced and under the rules laid over.

r) (490-970/472-83954)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of CONSTRUCTING A TRAFFIC SIGNAL ON 21st STREET NORTH (North of 21st, West of Greenwich), introduced and under the rules laid over.

s) (490-971/472-83956)

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 69

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING MAIZE CT. & HAMMERHEAD CUL-DE-SAC (West of Maize, South of Pawnee), introduced and under the rules laid over.

t) (490-969/472-83957)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita a, Kansas, for the purpose of paying a portion of the cost of CONSTRUCTING A TRAFFIC SIGNAL AT THE INTERSECTION OF MAIZE ROAD & CENTRAL PARK STREET (North of 21st, West of Maize), introduced and under the rules laid over.

u) (490-976/472-83968)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of IMPROVING GLENWOOD CIRCLE (East of 127th Street East, South of 21st), introduced and under the rules laid over.

PETITION

PETITION TO PAVE FAIRVIEW, NORTH OF 30TH STREET NORTH. (DISTRICT VI)

Jim Armour

Acting City Engineer reviewed the item.

Agenda Report No. 05-0173

On August 2, 2004, District VI Advisory Board considered a Petition for paving Fairview north of 30th Street North. At the request of the Petition signer, the Board deferred action on the Petition. The Petition signer has submitted a new Petition with a modified improvement district. The signatures on the new Petition represent 1 of 7 (14.29%) resident owners and 54.99% of the improvement district area. District VI Advisory Board sponsored a February 7, 2005, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the petition.

The project will provide paved access to a partially developed residential area.

The estimated project cost is \$79,000, with \$58,460 assessed to the improvement district and \$20,540 paid by the City. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.66 per square foot of property. The City share is for the cost of intersection paving.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Cybill Strum

Ms. Strum stated that she resides at 326 N. Walnut and asked if this is going to be on our property taxes.

Jim Armour

Acting City Engineer explained that this would be a 100% assessment to the adjacent property owners.

Motion--carried

Fearey moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 70

RESOLUTION NO. 05-097

Resolution of findings of advisability and Resolution authorizing constructing pavement on Fairview Street from the South line of 30th Street North to the North line of Banuelos Addition (West of Broadway, North of 29th Street North) 472-84183, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

MERIDIAN IMPROV. MERIDIAN IMPROVEMENT, BETWEEN 31ST STREET SOUTH AND PAWNEE. (DISTRICT IV)

Jim Armour Acting City Engineer reviewed the item.

Agenda Report No. 05-0174

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve Meridian, between 31st Street South and Pawnee. District IV Advisory Board sponsored a November 3, 2004, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

The project will reconstruct Meridian to provide four through lanes and a left turn lane at 27th Street South. Traffic signals will be improved at the intersection of Meridian at Pawnee. A new storm water sewer will be constructed. The available right-of-way will be landscaped. Construction is planned for 2005.

The estimated project cost is \$3,809,000 with \$1,555,000 paid by the City and \$2,254,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Gray moved that the project be approved; the Ordinance placed on first reading, and the signing of
--carried State/Federal agreements, as required, be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring meridian, between 31st Street South and Pawnee (472-84175) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 71

GYPSUM CREEK

OLIVER STREET BRIDGE AT GYPSUM CREEK IMPROVEMENT. (DISTRICT III)

Jim Armour

Acting City Engineer reviewed the item.

Agenda Item No. 05-0175

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve the Oliver St. Bridge at Gypsum Creek. District III Advisory Board sponsored a February 2, 2005, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

The project will rehabilitate the existing bridge including replacement of the sidewalks along both sides of the bridge. Gabion retaining walls will be installed at the south channel and stone rip rap at the north channel to prevent erosion. Construction is planned for 2006.

The estimated project cost is \$1,085,000 with \$535,000 paid by the City and \$550,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Lambke moved that the project be approved; the Ordinance placed on first reading, and the signing of State/Federal agreements as required authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring the Oliver Street Bridge at Gypsum Creek (472-84184) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

M.A.P. BOUNDARY

METROPOLITAN AREA PLANNING BOUNDARY AND MEMBERSHIP AGREEMENT.

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0176

The Metropolitan Planning Area Boundary and Membership Agreement is an agreement between the Kansas Department of Transportation, the City of Wichita and Sedgwick County to expand the planning boundary and provide for expanded representation on the Metropolitan Planning Organization's Policy Body.

The Agreement has been reviewed by the Law Departments of the City of Wichita, Sedgwick County and the Kansas Department of Transportation. The document has been presented to the Metropolitan Planning Organization Policy Body on February 24, 2005 and the Coordinating Committee for Transportation Planning on December 28, 2004 for review and comment. The new agreement provides for:

- a. An expanded metropolitan planning area boundary;
- b. Nineteen (up from fourteen) voting members of the Policy Body;
- c. Renaming the MPO to reflect the expansion of the planning area;
- d. Continuity of MAPD staff services to the MPO;
- e. Continuity of City of Wichita services as fiscal agent for MPO and MAPD budgets;
- f. Authority for the MPO Policy Body to adopt new and revised bylaws; and
- g. Revisions to this agreement by KDOT and the governing bodies of Wichita and Sedgwick County.

The Agreement provides the continuity of City of Wichita as fiscal agent for MPO related budgets.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 72

- Council Member Gray Council Member Gray stated that he has concerns about changing the makeup of this board. Stated that there are times when difficult issues come before the Planning Commission that might be close in a vote or a tie and we would potentially have people outside of our county and outside of the City of Wichita being the tie breaking votes.
- John Schlegel Planning Director explained that this deals with the representation of the Metropolitan Planning Organization, (MPO) and not with the representation on the Metropolitan Area Planning Commission, (MAPC). Stated that up until this point, the two groups have been one in the same and this will change that. Stated that this agreement would now make the MPO more of a separate organization from the MAPC. You would still have the core of the membership of the MPO being appointments by the City and Sedgwick County to the MAPC but that now in addition to that, there would be five additional voting members and then one ex-officio member from KDOT. Stated that the MPO would have nothing to say about the decisions that are made by the MAPC, they would only deal with matters regarding the allocation of federal transportation dollars within the region.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Mayor Mayans Mayor Mayans asked if there would be any repercussions with going from a smaller board to a larger board and with dealing with issues such as annexations and flooding issues.
- John Schlegel Planning Director stated that the MPO should not be dealing with matters of annexation or flood control. Stated that those types of matters may be of concern from time to time to the planning commission but we would have to separate out the agenda for the MPO from the agenda of the MAPC.
- Motion--
--carried Mayans moved that the Metropolitan Planning Area Boundary and Membership Agreement be approved. Motion carried 7 to 0.

COMM. EVENTS

COMMUNITY EVENTS.

- Dana Brown DAB Supervisor/DAB V Neighborhood Assistant reviewed the item.
- Agenda Report No. 05-0177
- The City has operated for many years using an established practice to assist citizens who request use of public property for a "special event." The process includes use of procedure guidelines and city code information through an application process. Applications are submitted to the City Manager's Office for use of general public property, Parks & Recreation Department for park property, and City Arts for Old Town Plaza. The approval policy has been effective but challenges exist for both applicant and staff due to a variety of approval processes and issues associated with frequency, uniqueness and time constraints of requests.
- An interdepartmental committee meets regularly to review each event application to identify options for any concerns related to public health and safety while providing consistency in approvals and compliance. Through the review process, the committee works with the applicant to resolve these issues. .
- A new ordinance for Community Events is proposed to simplify the application process for citizens. In addition to one point for submitting applications, it will also directly address issues of code compliance, safety, and consideration of residents with respect to property access, noise, and lighting for surrounding neighborhoods.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 73

In addition to the creation of the proposed new ordinance for Community Events , the following revisions to existing city codes are recommended:

1. Noise: Creation of Sections 7.41.042, 7.41.043 and 7.41.045
 - Created to address sound associated with event, typically amplified music
2. Conduct in the Park: Creation of Sections 9.04.030, 9.04.040, 9.04.080 and 9.04.190 and repeal of the originals 9.04.030, 9.04.040, 9.04.070, 9.04.080 and 9.04.190.
 - Created and amended sections associated with approval of community events, parades, and sound
3. Obstructing Streets and Sidewalks: Amendments to Sections 10.04.130
 - Amended to allow obstructions associated with approved community event

No fee is currently associated with a community event. The proposed fee schedule is based on time of application submittal. Approximately \$8,000 revenue would be generated based on a average fee of \$100.00 for typical annual number of 80 total applications to the city.

- | | |
|-----------------------|--|
| Mayor Mayans | Mayor Mayans asked who the licensing officer is and why is the City Manager's Office involved in this. |
| Dana Brown | DAB Supervisor explained that the licensing officer is part of the Treasurer's Office and that is where most permits and licenses are applied for by citizens and after the licensing office receives the application and the fee, then the application is routed directly to the City Manager's Office for handling. Stated that the City Manager's Office has coordinated this for many years and that the City Manager's Staff has worked with those various departments and coordinated it a little better in the last three to four years where we bring all of those departments together in a regularly scheduled meeting every other week to look at those applications and everyone is able to identify any issues that they have that pertain to their department codes, safety, etc. The City Manager's Officer is mainly the facilitator of getting the applications to the appropriate departments and taking care of communication with the applicant on approval. |
| Council Member Fearey | Council Member Fearey asked why the licensing procedure cannot be done at the neighborhood city halls. |
| Dana Brown | DAB Supervisor stated that currently the neighborhood city halls do not accept any kind of payments except payment through the drop box and they have no way of handling those fees. |
| Council Member Martz | Council Member Martz asked what kind of method are we anticipating to use to communicate to all organizations that have requested these in the past because there is a difference in the amount of fees, the time involvement and the fact that if less than 15 days it is a complete denial and how do we get the information out to everyone. |
| Dana Brown | DAB Supervisor explained that one thing that they plan to do is to send a direct mailing to all of the applicants that they can identify in the last two to three years, explaining this procedure and providing attachments of the application and the procedure guidelines. Stated that they would also try and get this out through the media and utilize the website. |
| Council Member Brewer | Council Member Brewer stated that if you are a new organization or a neighborhood group or just an average citizen that has not been involved in this process and they decide to do some type of activity and we end up telling them that they cannot do this and that they have to follow these guidelines and ordinances and if they do not fall within that 15 day timeframe, what will the City's action be then. Stated that he is concerned that we could become the worst nightmare for a citizen and feels that we should get additional input from the DABs and find out what they are saying about this issue. |
| Council Member Fearey | Council Member Fearey stated that she would suggest that we look further into some kind of way that the mini city halls can be more involved in this process. |

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 74

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Brewer moved to defer this Item until further notice and to go back to each District Advisory Board to
--carried get their input and then bring back to Council. Motion carried 7 to 0.

VISITORS BUREAU CONTRACT RENEWAL: CONVENTION & VISITORS BUREAU.

Jessica Johnson Marketing Director reviewed the item.

(Council Member Martz momentarily absent).

Agenda Report 05-0178

The Contract for the current fiscal year was negotiated with staff and representatives from the Greater Wichita Convention and Visitors Bureau. This year, a special effort was made to include within the contract relevant and measurable goals. This will give the GWCVB a better opportunity to measure their achievements with respect to goals established.

2004 brought several successes to the GWCVB. Most clearly was the success of the Women Bowler's tournament that brought 42,000 people to Wichita. This made 2004 a fantastic year for conventions, with over 162,000 room nights and \$53.8 million direct revenue for Wichita. This well exceeded the goal of 115,410 room nights. The Bureau has also worked to enhance the tourism product and developed a new "brand" for Wichita through a new marketing campaign. Early indicators prove this to be successful through increased visitor requests and web activity.

The proposed 2005 contract will continue marketing efforts and focus on priority projects. Some of the important CVB goals for this year include: continue growth in convention sales and tourism sales bookings; focus marketing efforts on the state of Kansas and key drive markets to increase tourism in Wichita; work to better package events with hotels and key destination opportunities such as golf, Aviation Festival, Holiday events and sports activities as well as aggressively seek additional cash from private investors and sponsors. For the first time, the goals of the Wichita Film Commission, a new organization operating within the auspices of the GWCVB, were included. Also, this year new a way of tracking room nights was established. Instead of increasing by percentage points from previous year goals, the organizations have agreed to use an average number from the past 5 years and increase based on that number. This avoids being eventually "topped out" on room night goals and allows for peaks and valleys such as when the WIBC was in town. The CVB will continue to strive to exceed the base goal and try and secure larger conventions comparable to the WIBC approximately every 5 years. Goals were also put in place to elevate visitor numbers and fund-raising that will increase Transient Guest Tax revenue in the Tourism and Convention fund and assist in the growth of the organization.

The proposed budget with the GWCVB provides for funding for \$1,715,820. The 2005 contract increases the CVB's allocation by \$145,990 from 2004 Adopted allocation of \$1,569,010.

John Rolfe Convention and Visitor's Bureau stated that they are celebrating 25 years of being an independent organization and reviewed a presentation on their 2004 highlights, 2004 results and the 2005 major conventions that will be hosted by Wichita.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the Contract with the Convention and Tourism Bureau be approved and the
--carried necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 75

PLANNING AGENDA

Motion-- Mayor Mayans moved that Planning Agenda consent items be approved as presented except for item
--carried 35. Motion carried 7 to 0.

DR2004-00009

DR2004-00009-ADOPTION OF PROPOSED REZONING FOR CERTAIN PROPERTIES IN THE MIDTOWN NEIGHBORHOOD. GENERALLY LOCATED SOUTH OF 18TH STREET, WEST OF SANTA FE, NORTH OF MURDOCK, AND EAST OF THE LITTLE ARKANSAS RIVER. (DISTRICT VI)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0179

MAPC Recommendation:	Approve. (11-0)
MAPD Staff Recommendation:	Approve.
DAB Recommendation:	DAB VI recommends approval unanimously.

In May 2004, following over a year of development and neighborhood input, the Wichita City Council adopted the Midtown Neighborhood Plan to serve as a blueprint for the conservation and revitalization of this historic neighborhood. The current zoning pattern for the Midtown neighborhood dates back over 50 years, and reflects a different vision for most of the neighborhood than has been identified by neighborhood property owners in the recently adopted Midtown Neighborhood Plan. One of the priority action items identified in the Plan is the creation of a zoning pattern that better reflects existing land use and protects existing investments while providing for future redevelopment opportunities.

The Mission of the Midtown Neighborhood Plan is “To enhance the appearance, safety, and quality of life in Midtown to make it an attractive and desirable place to live, work, and play for the benefit of all residents, businesses, visitors, and property owners.” A specific goal of the plan is to “Maintain and improve the character of the neighborhood”; unfortunately, much of the neighborhood is “over-zoned” for its character. Single-family homes in “B” Multi-family zoning, offices and homes in “LI” Limited Industrial zoning are typical examples. This zoning, which is inconsistent with current uses and structures, creates the risk of incompatible land uses in the neighborhood, it creates a risk to the character of individual homes and buildings, and it creates a risk to the character of the neighborhood as a whole. Uses deemed inappropriate by the Midtown Neighborhood Association are permitted under much of the existing zoning. Property owners can be reluctant to re-invest in their properties due to inappropriate uses that are allowed under the current zoning. A goal of the rezoning is to “match the current use with the appropriate zoning.”

The Midtown Neighborhood Rezoning Committee, consisting of neighborhood and city representatives, was formed to help recommend a new zoning scheme for the neighborhood. This rezoning scheme will address all properties located within the following area: south of 18th Street, west of Santa Fe, north of Murdock, and east of the Little Arkansas River. The following principles were adopted to guide this process:

1. No property will be rezoned against the wishes of the property owner. No changes will be proposed that will prevent residents, businesses, or landlords from continuing their existing operations or uses.
2. No property will be rezoned to a higher intensity zoning classification. This is necessary in order to streamline the neighborhood rezoning initiative, while at the same time independently preserving full notification requirements normally associated with any property rezoning proposal for higher intensity uses.
3. Neighborhood-wide rezoning will be proposed that accommodates the wishes of property owners while facilitating future anticipated/desired land uses as envisioned in the Midtown Neighborhood Plan Land Use Concept Map. There will be no rezoning fees charged to property owners affected by this rezoning initiative.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 76

4. Neighborhood-wide rezoning will be proposed that reflects the support and Historic Midtown Citizens' Association and the Midtown Neighborhood Plan Steering Committee.

Work began on the Midtown neighborhood-wide rezoning initiative in June 2004. An inventory and analysis of existing land uses and zoning was completed in July 2004. The Rezoning Committee subsequently completed a preliminary rezoning scheme that was presented at two neighborhood public meetings held on September 7th and October 26th at the Midtown Community Resource Center. Two letters were sent to all property owners in the Plan area, advising them of the rezoning initiative and inviting them to attend the neighborhood meetings. The Wichita Eagle published press releases for each of the public meetings, along with contact information.

On November 1, 2004, the final proposed rezoning scheme was presented to members of the District VI Advisory Board, who unanimously approved the proposal. On December 9th, the proposed rezoning scheme received the endorsement of the Advance Plans Committee.

On December 23, 2004, the Metropolitan Area Planning Commission set a public hearing date of January 27, 2005 to receive comments on the proposed rezoning scheme. Letters accompanied by detailed map sets that outline the nature of the proposed rezoning were sent to all property owners advising them of the public hearing date, and advising of the opportunity to have their property remain as currently zoned.

Copies of the existing and proposed zoning maps were posted on the City's web page. A full page, colored map legal notice was also placed in the Wichita Eagle on January 6, 2005 showing the existing zoning and proposed zoning maps for the Midtown neighborhood.

On January 27, 2005, the Metropolitan Area Planning Commission (MAPC) held a hearing to consider the area-wide rezoning initiative proposed for the Midtown neighborhood. The MAPC voted to approve the Midtown rezoning proposal (11-0) subject to the requirement that it reflects all property owner "opt-out" requests received as of 5:00 p.m., February 11, 2005. A total of 150 property owners have requested to "opt-out" of the proposed rezoning initiative.

An ordinance has been prepared that adopts the rezoning of certain properties located in the Midtown neighborhood by reference to the legal listing of properties contained in the document entitled "Midtown Neighborhood Rezoning" as recommended by the Metropolitan Area Planning Commission on January 27, 2005.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Fearey moved that City Council concur with the findings of the MAPC, and Ordinance approving the Midtown Neighborhood Rezoning Proposal, be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 77

ZON2003-61

ZON2003-61-ZONE CHANGE REQUEST FROM GC, GENERAL COMMERCIAL DISTRICT TO SF-5, SINGLE-FAMILY RESIDENTIAL, LOCATED WEST OF 135TH STREET WEST AND ON THE NORTH SIDE OF KELLOGG. (DISTRICT V)

Agenda Report No. 05-0180

MAPC Recommendation: Approve, subject to platting.

On January 6, 2004, a zone change request (ZON 2003-61) was presented to the City Council. The action of the City Council was to approve the zone change subject to platting within one year. The plat (Auburn Hills 15th Addition) was also approved at that time; however, the first reading of the Ordinance was not included with the plat's approval.

The associated zoning Ordinance is being forwarded for first reading.

The Ordinance has been "Approved as to Form" by the City Attorney.

Motion--carried

Mayans moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

TURKEY CREEK

SUB2004-142-PLAT OF TURKEY CREEK SECOND ADDITION, LOCATED ON THE NORTH SIDE OF PAWNEE AND ON THE WEST SIDE OF 119TH STREET WEST. (DISTRICT IV)

Agenda Report No. 05-0181

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

This unplatted site, consisting of 193 lots on 82.46 acres, is located within Wichita's city limits and is zoned SF-5, Single Family Residential District.

Petitions, 100% percent, and a Certificate of Petitions have been submitted for sewer, water, drainage, paving and left-turn lane improvements. A Restrictive Covenant was submitted to create a lot owner's association to provide for the ownership and maintenance of the proposed reserves. A Restrictive Covenant was also submitted to provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-098

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89959 (North of Pawnee, West of 119th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 78

RESOLUTION NO. 05-099

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89960 (North of Pawnee, West of 119th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-100

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89961 (North of Pawnee, West of 119th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-101

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89962 (North of Pawnee, West of 119th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-102

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89963 (North of Pawnee, West of 119th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-103

Resolution of findings of advisability and Resolution authorizing construction of Main 6, Cowskin Interceptor Sewer, (North of Pawnee, West of 119th Street West) 468-83817, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-104

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 6, Cowskin Interceptor Sewer, (North of Pawnee, West of 119th Street West) 468-83818, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-105

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 6, Cowskin Interceptor Sewer, (North of Pawnee, West of 119th Street West) 468-83819, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 79

RESOLUTION NO. 05-106

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 6 Cowskin Interceptor Sewer, (North of Pawnee, West of 119th Street West) 468-83820, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-107

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 233, (North of Pawnee, West of 119th Street West) 468-83821, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-108

Resolution of findings of advisability and Resolution authorizing improving of Jewell from the East line of the Plat to the West line of Lot 8, Block B; Grant, from the East line of the Plat to the West line of Lot 1, Block D; Rogers Lane from the South line of Grant, South and West to the West line of Lot 16, Block A; Jewell Court (Lots 1 through 8, Block B), from the North line of Jewell, North to and including the Cul-De-Sac; Jewell Court (Lots 48 through 60, Block E) from the South line of Jewell, South to and including the Cul-De-Sac; Grant Court (Lots 1 through 13, Block E), from the North line of Grant, North to and including the Cul-De-Sac; Grant Court (Lots 1 through 10, Block A), from the South line of Grant, South to and including the Cul-De-Sac, and; Rogers Circle, from the North line of Grant, North to and including the Cul-De-Sac; Sidewalk be constructed along one side of Jewell, Grant and Rogers LN., Turkey Creek 2nd Addition (North of Pawnee, West of 119th Street West) Project No. 472-84028, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-109

Resolution of findings of advisability and Resolution authorizing improving of Jewell, from the West line of Lot 8, Block B, West to the West line of Upland Hills, on Upland Hills from the North line of Jewell, South to the South line of Lot 11, Block D; Grant, from the East line of Upland Hills, East to the West line of Lot 1, Block D; Jewell Court from the South line of Jewell, South to and including the Cul-De-Sac, and; Upland Hills Court, from the Westerly line of Upland Hills North to and including the Cul-De-Sac; Sidewalk be constructed along one side of Jewell, Upland Hills, and Grant, Turkey Creek 2nd Addition (North of Pawnee, West of 119th Street West) Project No. 472-84029, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-110

Resolution of findings of advisability and Resolution authorizing improving of Upland Hills, from the South line of Lot 11, Block D, South to the South line of the Plat; Rogers Lane from the West line of Lot 16, Block A, South to the West line of Upland Hills; Haskell, from the East line of Upland Hills, East to the West line of Rogers Lane; Upland Hills Court, from the East line of Upland Hills, East to and including the Cul-De-Sac, and; Sidewalk constructed along one side of Upland Hills, Rogers Lane, Haskell and Turkey Creek Addition in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 80

RESOLUTION NO. 05-111

Resolution of findings of advisability and Resolution authorizing improving of Left Turn Lane on Pawnee to serve the Eastbound traffic, Turkey Creek 2nd Addition (North of Pawnee, West of 119th Street West) 472-84031, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 05-112

Resolution of findings of advisability and Resolution authorizing constructing Two Left Turn Lanes on 119th Street West (at Jewell) and Grant) to serve Northbound Traffic (North of Pawnee, West of 119th Street West) 472-84195, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HANNEMAN ADD.

SUB2005-01-PLAT OF HANNEMAN ADDITION, LOCATED EAST OF MERIDIAN AND SOUTH OF 37TH STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-0182

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This unplatted site, consisting of one lot on 1.26 acres, is located within Wichita's city limits. The site has been approved for a zone change (ZON 2004-50) from SF-5, Single-Family Residential District to NO, Neighborhood Office District. A Protective Overlay (P-O #148) was also approved for this site.

City water and sanitary sewer are available to serve the site. A Notice of Protective Overlay has been submitted addressing uses, signage, access, paving and lighting. In accordance with the Protective Overlay, a Cross-lot Access Agreement and a No-Protest Agreement for the future paving of Amidon has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Notice of Protective Overlay, Restrictive Covenant and No-Protest Agreement will be recorded with the Register of Deeds.

Motion--

--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized and the Ordinance be placed on first reading, with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2005-50)

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 81

VAC2004-00046

VAC2004-00046-REQUEST TO VACATE THE RESTRICTION OF USES TO ALLOW CONSTRUCTION OF STRUCTURES, FILL, CHANGE OF GRADE, OR CREATION OF A CHANNEL TO A PORTION OF PLATTED FLOODWAY EASEMENT, GENERALLY LOCATED NORTHEAST OF THE 13TH STREET NORTH-WEBB ROAD INTERSECTION ON THE SOUTH SIDE OF WATERFRONT PARKWAY. (DISTRICT II)

Agenda Report No. 05-0183

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (Unanimously)

The applicant is requesting consideration for the vacation of a 0.43-acre platted floodway easement located in the north side of Lot 3, Block 1, the Waterfront Addition. Per the plat's text, restrictions within the floodway include "no structure shall be constructed on or within the said floodway, nor shall any fill, change of grade, creation of a channel or any other work on be carried out without the permission of the City Engineer." The floodway easement abuts Reserve "C" and a larger floodway easement and is also adjacent to Reserve "B" all in the Waterfront Addition. Per the plat's text, the uses allowed in Reserves "C" & "B" include drainage and floodway. There are no sewer or water lines in the floodway reserve. The applicant proposes to use the additional area in the floodway for a building site on Lot 3, Block 1, Waterfront Addition. Storm Water has approved the vacation of the restrictions of uses on the described portion of platted floodway easement to allow the development. The Waterfront Addition was recorded with the Register of Deeds on January 24, 2003.

The MAPC voted to approve (11-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

AIRPORT AGENDA

Motion--carried

Mayans moved that the Airport Consent items be approved as presented. Motion carried 7 to 0.

SAFETY BUILDING

SAFETY BUILDING EXPANSION-CHANGE ORDER, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-0184

On August 5, 2003 Martin K. Eby Construction was awarded the contract for an Airport Safety Building Expansion in the amount of \$1,653,000.

A change order has been prepared to address items incurred during construction.

The change order includes some deducts, but resulted in a net increase of \$30,448. It will be fully funded with a Federal grant and Passenger Facility Charges. Funds are available in the current approved budget. Total change orders are one percent of the original contract amount.

The change order has been approved by the Federal Aviation Administration and the Law Department.

Motion--
--carried

Mayans moved that the change order be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 183

MARCH 1, 2005

PAGE 82

EMPIRE AIRLINES AGREEMENT-EMPIRE AIRLINES, INC.

Agenda Report No. 05-0185

The multi-tenant cargo building on Mid-Continent Airport consists of 31,500 sq.ft. and includes space for 15 different tenants. The leases currently in place are for a three-year period terminating June 30, 2005. Rent for use of space in this building is \$6.50 per sq.ft. per year.

An Agreement was taken to Council on December 21, 2004 with Gearbuck Aviation Services; however, the agreement was not consummated in that the company's business plan has since changed and does not warrant physical space in the Wichita market. Empire Airlines has provided a letter of intent to lease the space formerly requested by GearBuck, to be effective February 26, 2004. Empire Airlines provides pilots for Federal Express in the Wichita market. They are interested in leasing 1,200 sq.ft. of space in the cargo building.

Revenue to the airport will be \$650 per month, or \$7,800 per year.

Motion-- Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion
--carried carried 7 to 0.

CITY COUNCIL

BOARD APPTS. BOARD APPOINTMENTS.

Brewer requested that Lori Lawrence be appointed to the City of Wichita Access Advisory Board.

Schlapp requested that Marty Rothwell be appointed to the City of Wichita Access Advisory Board.

Motion--carried Mayans moved that the appointments be approved. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion-- Mayans moved to recess into executive session at 12:00 p.m. to consider: consultation with legal
--carried counsel on matters privileged in the attorney-client relationship relating to: pending litigation and legal
advice and that the Council return from executive session no earlier than 12:20 p.m. and reconvene in
the City Council Chambers of City Hall. Motion carried 7 to 0.

RECONVENE The Council reconvened in the City Council Chambers at 12:30 p.m. Mayor Mayans announced that no
action was taken.

Motion carried Mayans moved to adjourn the executive session at 12:30 p.m. Motion carried 6 to 0, Fearey absent.

Motion carried Mayans moved to adjourn the regular meeting at 12:31 p.m. Motion carried 6 to 0, Fearey absent.

ADJOURNMENT The City Council meeting adjourned at 12:31 p.m.

Respectfully submitted,

Karen Sublett
City Clerk

Workshop followed in the first floor board room